

### REMARKS

Claims 1 and 3-9 and 11 have been amended to further patentably distinguish the invention from the prior art. Claims 2, 10 and 12-72 are cancelled. Such cancellations of and amendments to claims are only for the purpose of expediting the prosecution of this application and are not to be construed as an abandonment of any of the novel concepts disclosed therein.

The Office Action states:

3. Claims 1-3, 5-7, 9, 11 -1 3, 15, 16, 18-22, 24-28, 30-32, 34, 36-41, 59-65, 67-69, 71, and 72 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Song et al. (US 7,087,342).

Song et al. disclosed, as shown in fig. 1-3, a vehicle suspension system comprising: electronic control module 4, actuator 6,8,10,12 comprising switch circuitry 14 powered by energy from movement of the actuator to passively damp the actuator, that is directly conveyed to the switch circuitry from electric terminals of the actuator wherein the electronic control module 4 which is part of the electric switch 14.

Song et al. was silent to disclose to passively damp the actuator during a failure of a power supply for providing power to the actuator.

Song et al. disclosed a passive damper that will be operational by itself even the power supply such as the battery fails. Song et al. also disclosed, as shown in fig. 3, several options for the switching circuit. Since there is power generated by the actuator going through the circuit, it would have been obvious to one of ordinary skill in the art to have utilized the power going through the circuit during a failure of a power supply to power the circuit and whereby providing power to the actuator. P. 3.

This ground of rejection is respectfully traversed at least as applied to the claims as amended. The claims now positively recite an active vehicle suspension system with fail-safe operation with a fail-safe clamping circuit connected to the coil ends powered by energy produced from movement of the actuator that is directly conveyed to the clamping circuit to passively damp the actuator during the failure of the power electronics by clamping the coil ends together. At least this feature is not found in the reference. Accordingly, withdrawal of rejection of claims as anticipated by or in the alternative under 35 U.S.C. § 103(a) as obvious over the reference is respectfully requested. If this ground of rejection is repeated, the Examiner

is respectfully requested to quote verbatim the language in the reference regarded as corresponding to each limitation in at least amended claim 1.

The Office Actions states:

5. Claims 4, 14, 23, 29, 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Song et al.

Song et al. do not specifically disclose the use of solid-state electronics.

It would have been obvious to one of ordinary skill in the art to use solid-state electronics in the device of Song et al. since the use of solid-state electronics have many well known advantages such as lower power consumption, less cost to make, more reliable and more resistant to vibrations.

6. Claims 8, 33, and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Song et al. in view of De Puy (US 4,314,327).

Song et al. failed to disclose the supplemental circuit comprises a bipolar Royer oscillator.

DePuy teaches the use of Royer oscillator.

It would have been obvious to one of ordinary skill in the art to use Royer oscillators, which are well known, into the system of Song et al., as taught by DePuy, as merely a design choice of selecting a well known element to perform a specific function. P.4.

Claims 4 and 8 are dependent upon and include all the limitations of amended claim 1, which is patentable over the primary reference for reasons set forth above. Accordingly, it is submitted to be unnecessary to discuss the secondary and tertiary references.

In view of the foregoing amendments sharply reducing the number of claims and patentably distinguishing the invention over the prior art, this application is submitted to be in a condition for allowance, and notice thereof is respectfully requested. Should the Examiner believe the application is not in a condition for allowance, he is respectfully requested to telephone the undersigned attorney at 617-521-7014 to discuss what additional steps he believes are necessary to place the application in a condition for allowance.

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Date: \_\_\_\_\_

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